

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 208**

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**Introduced by Assembly Member Bigelow**

January 29, 2015

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An act to amend Section 891 of the Streets and Highways Code, 21760 of the Vehicle Code, relating to ~~bikeways~~; bicycles.

LEGISLATIVE COUNSEL'S DIGEST

AB 208, as amended, Bigelow. ~~Bikeways~~. *Bicycles: Three Feet for Safety Act.*

*Existing law, the Three Feet for Safety Act, requires the driver of a motor vehicle overtaking and passing a bicycle that is proceeding in the same direction on a highway to pass in compliance with specified requirements applicable to overtaking and passing a vehicle, and to do so at a safe distance that does not interfere with the safe operation of the overtaken bicycle, having due regard for the size and speed of the motor vehicle and the bicycle. Existing law prohibits, subject to specified exceptions, the driver of a motor vehicle from overtaking or passing a bicycle proceeding in the same direction on a highway at a distance of less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator. A violation of these provisions is an infraction.*

*This bill would require the operator of a bicycle behind which 5 or more vehicles are formed in a line, to turn off the roadway at the nearest place designated as a turnout in order to permit the vehicles following him or her to proceed if the driver of a motor vehicle is unable to overtake or pass a bicycle proceeding in the same direction on a*

highway at a distance less than 3 feet between any part of the motor vehicle and any part of the bicycle or its operator.

~~Existing law requires the Department of Transportation to establish minimum safety design criteria for the planning and construction of bikeways and uniform specifications and symbols for associated signs, markers, and traffic control devices. Existing law requires all city, county, regional, and other local agencies responsible for the development or operation of bikeways or roadways where bicycle travel is permitted to utilize all minimum safety design criteria and uniform specifications and symbols for signs, markers, and traffic control devices established under these provisions, except that alternative minimum safety design criteria may be used under certain conditions.~~

~~This bill would make nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 21760 of the Vehicle Code is amended to
- 2     read:
- 3     21760. (a) This section shall be known and may be cited as
- 4     the Three Feet for Safety Act.
- 5     (b) The driver of a motor vehicle overtaking and passing a
- 6     bicycle that is proceeding in the same direction on a highway shall
- 7     pass in compliance with the requirements of this article applicable
- 8     to overtaking and passing a vehicle, and shall do so at a safe
- 9     distance that does not interfere with the safe operation of the
- 10    overtaken bicycle, having due regard for the size and speed of the
- 11    motor vehicle and the bicycle, traffic conditions, weather, visibility,
- 12    and the surface and width of the highway.
- 13    (c) A driver of a motor vehicle shall not overtake or pass a
- 14    bicycle proceeding in the same direction on a highway at a distance
- 15    of less than three feet between any part of the motor vehicle and
- 16    any part of the bicycle or its operator.
- 17    (d) If the driver of a motor vehicle is unable to comply with
- 18    subdivision (c), due to traffic or roadway conditions, the driver
- 19    shall slow to a speed that is reasonable and prudent, and may pass
- 20    only when doing so would not endanger the safety of the operator
- 21    of the bicycle, taking into account the size and speed of the motor

1 vehicle and bicycle, traffic conditions, weather, visibility, and  
2 surface and width of the highway.

3 (e) (1) *If the driver of a motor vehicle is unable to comply with*  
4 *subdivision (d), the operator of a bicycle behind which five or*  
5 *more vehicles are formed in line, shall turn off the roadway at the*  
6 *nearest place designated as a turnout, or wherever sufficient area*  
7 *for a safe turnout exists, in order to permit the vehicles following*  
8 *the operator of the bicycle to proceed.*

9 (2) *Section 40000.1 does not apply to a violation of this*  
10 *subdivision.*

11 (e)

12 (f) (1) A violation of subdivision (b), (c), or (d) is an infraction  
13 punishable by a fine of thirty-five dollars (\$35).

14 (2) If a collision occurs between a motor vehicle and a bicycle  
15 causing bodily injury to the operator of the bicycle, and the driver  
16 of the motor vehicle is found to be in violation of subdivision (b),  
17 (c), or (d), a two-hundred-twenty-dollar (\$220) fine shall be  
18 imposed on that driver.

19 (f) ~~This section shall become operative on September 16, 2014.~~

20 ~~SECTION 1. Section 891 of the Streets and Highways Code~~  
21 ~~is amended to read:~~

22 ~~891. (a) All city, county, regional, and other local agencies~~  
23 ~~responsible for the development or operation of bikeways or~~  
24 ~~roadways where bicycle travel is permitted shall utilize the~~  
25 ~~minimum safety design criteria established pursuant to Section~~  
26 ~~890.6, except as provided in subdivision (b), and shall utilize the~~  
27 ~~uniform specifications and symbols for signs, markers, and traffic~~  
28 ~~control devices established pursuant to Section 890.8.~~

29 ~~(b) An agency may utilize minimum safety design criteria other~~  
30 ~~than those established by Section 890.6 if all of the following~~  
31 ~~conditions are met:~~

32 ~~(1) The alternative criteria have been reviewed and approved~~  
33 ~~by a qualified engineer with consideration for the unique~~  
34 ~~characteristics and features of the proposed bikeway and~~  
35 ~~surrounding environs.~~

36 ~~(2) The alternative criteria, or the description of the project with~~  
37 ~~reference to the alternative criteria, are adopted by resolution at a~~  
38 ~~public meeting, after proper notice of the public meeting and~~  
39 ~~opportunity for public comment are provided.~~

- 1     ~~(3) The alternative criteria adhere to guidelines established by~~
- 2     ~~a national association of public agency transportation officials.~~

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